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6 UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 SAN FRANCISCO DIVISION  
9

10 UNITED STATES OF AMERICA,	} Case No.12 CR 00278- EMC (LB)
11 Plaintiff,	
12 vs.	
13	
14 JAMES MICHAEL MURRAY,	
15 Defendant.	} STIPULATION AND <del>(PROPOSED)</del> ORDER TO CONTINUE THE THE BRIEFING SCHEDULE AND HEARING DATE FOR DEFENDANT'S MOTIONS FOR DISCOVERY/DISCLOSURE
16	

17 Defendant, JAMES MURRAY, and the United States hereby stipulate to  
18 continue the briefing schedule and hearing dates for discovery and disclosures  
19 motions assigned for hearing to the Honorable Laurel Beeler, as set forth below:

20 The briefing schedule, ordered by Judge Chen, on August 27, 2012, was to  
21 be as follows:

22 October 17, 2012 - Defendant's Motions Due

23 November 7, 2012 - Government's Oppositions Due

24 November 21, 2012 - Defendant's Replies Due.

25 On October 3, 2012, United States Magistrate Judge Nathanael Cousins  
26 revoked Defendant's bail and ordered that he be detained pending trial. Defendant  
27 intends to move for release on bail and an evidentiary hearing on Defendant's  
28 motion has been scheduled for October 24, 2012, before Judge Cousins.

1 Defendant's counsel, a solo practitioner, avers that he will be filing a motion  
2 and supporting information and/or evidence in support of Defendant's motion for  
3 bail. He further avers that this effort will require his full available attention and  
4 that he also has obligations to other clients in other upcoming court cases. These  
5 obligations will preclude defense counsel from being able to prepare motions on  
6 the schedule set before Judge Chen.

7 Accordingly, Defendant requests and the Government does not object to  
8 revision the briefing schedule on the anticipated discovery motions as follows:

9 November 21, 2012 - Defendant's Motions Due

10 December 19, 2013 - Government's Oppositions Due

11 January 2, 2012 - Defendant's Replies Due.

12 January 17, 2012 - Hearing on Motion

13 Defendant's counsel has advised the Defendant of the his rights under the  
14 Speedy Trial Act; the Defendant concurs with his counsel that continuing the  
15 Briefing Schedule and Hearing of Defendant's Motions for Discovery/Disclosure,  
16 and continuing any potential trial in this matter, is necessary to enable Defendant's  
17 counsel to have adequate time to prepare, taking into account the nature of the  
18 issues to be presented to the Court, and the exercise of due diligence.

19 The Defendant further concurs with his counsel that his counsel is to give  
20 first priority to the pleadings to be filed and the preparation for the hearing as to  
21 the motion for bail, now scheduled for October 24, 2012, and agrees that  
22 continuing of the briefing schedule on the Discovery/Disclosure Motions and  
23 hearing thereon, are in the best interests of Defendant.

24 Defendant, and his counsel, agree, without Government objection, that the  
25 time for such continuance of the briefing schedule, filing of Motions and  
26 Responses, and subsequent hearing thereon should be excluded under the Speedy  
27

1 Trial Act. 18 U.S.C. §§ 3161(h)(1)(D) and (7).

2  
3 IT IS SO STIPULATED,

4 Dated: October 15, 2012

/s/  
\_\_\_\_\_  
JOHN H. HEMANN  
Assistant United States Attorney

6  
7 Dated: October 15, 2012

/s/  
\_\_\_\_\_  
GARRETT J. ZELEN  
Attorney for James Murray

8  
9 Garrett Zelen hereby attests that concurrence in the filing of this document  
10 has been obtained from Assistant United States Attorney John Hemann.

11 **ORDER**

12 Based on the forgoing stipulation, IT IS SO ORDERED.

13 The briefing and hearing schedule on the motions to be filed by Defendant is  
14 as follows:

15  
16 November 21, 2012 - Defendant's Motions Due  
17 December 19, 2013 - Government's Oppositions Due  
18 January 2, 2012 - Defendant's Replies Due.  
January 17, 2012 - Hearing on Motions  
2013 at 11:00 a.m.

19 For the reasons set forth in the stipulation, the Court finds that time under  
20 the Speedy Trial Act is excluded from October 11, 2012, to January 17, 2012. 18  
21 U.S.C. §§ 3161(h)(1)(D) and (7).  
2013

22 Dated: October 15, 2012

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\_\_\_\_\_  
25 THE HONORABLE LAUREL BEELER  
26 United States Magistrate Judge  
27  
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